

- 1 18. (original) The method of processing as described in Claim 17 wherein variably  
2 assigning is session based through the interface such that in on session a given visual  
3 trait may be assigned to a first characteristic and in a second session the given visual  
4 trait may be assigned to a second characteristic.
- 1 19. (original) The method of processing as described in Claim 14 wherein variably  
2 assigning is dependent on type of characteristic.

### REMARKS

In the Office Action dated March 8, 2004, claims 1-5, 7 and 9-13 were rejected under U.S.C. §102(b) as allegedly being anticipated by Seki et al. (U.S. Patent No. 6,570,597). Furthermore, claims 6, 8 and 14-19 were rejected under U.S.C. §103(a) as allegedly being unpatentable over Seki et al. and in further view of Perroux et al. (U.S. Patent No. 6,459,441). In response, Applicants have amended claims 1, 3-5, 9-11 and 14-16 to more clearly distinguish the claimed invention from the cited references. In view of the amended claims and the following remarks, Applicants respectfully request the allowance of the pending claims 1-19.

#### A. Patentability of Amended Independent Claim 1

As amended, the independent claim 1 recites, "*a plurality of icon portions, each having a plurality of visual variations, each icon portion being variably assignable to any one characteristic of the data object wherein each variation of the at least one characteristic is visually represented by the icon by a corresponding one visual variation of a variably assigned icon portion*" (emphasis added). Thus, the amended independent claim 1 now includes the subject matter of the original dependent claim 3. The original claims 1 and 3 were both rejected under U.S.C. §102(b) as allegedly being anticipated by Seki et al. With respect to the original claim 3, the Office Action has alleged that "Seki et al. teaches the visual traits to comprise a plurality of icon portions (Figure 5, ref. 12' and 14')." Applicants respectfully disagree.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); MPEP §2131.

The reference numbers 12' and 14' of Fig. 5 of Seki et al. refer to "sub-icons" that are displayed with a main icon "as a group". See Seki et al. col. 3, lines 62-66. These "sub-icons" are not portions of an icon. Rather, the sub-icons are additional icons that are displayed with the main icon. In contrast, the amended claim 1 recites in part "*a plurality of icon portions*", not icons that are displayed as a group. Clearly, icon portions cannot be equated with sub-icons that are displayed as a group. Thus, the amended independent claim 1 is not anticipated by Seki et al., and should be allowed.

#### B. Patentability of Amended Independent Claims 9 and 14

As amended, the independent claim 9 recites in part, "*variably assigning any one of the visual traits to any one of the characteristics of the data object metadata such that each variation of a selected characteristic of the data object metadata is represented by a visual variation of a selected visual trait*" (emphasis added). Similarly, the independent claim 14 recites in part, "*determining a common characteristic of the data object metadata common to the set of data objects; determining the number of variations associated with the common characteristic; determining a visual trait of the multi-component icon having a corresponding number of visual variations that are greater than or equal to the number of variations of the common characteristic and assigning it to the common characteristic*" (emphasis added). Thus, the amended independent claims 9 and 14 specifically include the limitation of using a characteristic of a data object metadata.

The original independent claim 9 was rejected under U.S.C. §102(b) as allegedly being anticipated by Seki et al., while the original independent claim 14 was rejected under U.S.C. §103(a) as allegedly being unpatentable over Seki et al. and in further view of Perroux et al. However, as amended, the independent claims 9 and 14

include the limitation of using a characteristic of a data object metadata, which is not disclosed by Seki et al. or by Perroux et al.

The term "metadata" is defined in the Specification of the application in paragraph [0026] on page 8 as follows:

"Metadata is generally defined as any differentiating aspect of the data object other than data content which can include (but not limited to) author of the data object, history of authorship of the data object, history of who has reviewed/opened the data object, copyright, title, keyword etc."

Seki et al. discloses displaying a main icon and displaying sub-icons, which are associated with sub-data embedded in or linked to main data. See Abstract of Seki et al. Seki et al. does not involve using a characteristic of a data object metadata, and thus, does not disclose using such a characteristic. Perroux et al. discloses forming a GUI object that "includes the characteristic associated with its function's group and a second characteristic that distinguishes its function from other functions within its function's group". See Abstract of Perroux et al. The GUI objects of Perroux et al. do not involve using a characteristic of a data object metadata. Rather, the GUI objects of Perroux et al. involve using characteristics of the functions associated with the GUI objects. Thus, Perroux et al. also does not disclose using a characteristic of a data object metadata.

Since Seki et al. does not disclose using a characteristic of a data object metadata, as recited in the amended independent claim 9, the claimed invention of amended claim 9 is not anticipated by Seki et al., and should be allowed. Similarly, since Perroux et al., in addition to Seki et al., does not disclose using a characteristic of a data object metadata, as recited in the amended independent claim 14, the claimed invention of amended claim 14 is not obvious in view of Seki et al. and Perroux et al., and should also be allowed.

### C. Patentability of Amended Dependent Claim 3

The amended dependent claim 3 recites, "*wherein the icon portions are contiguous portions of the icon.*" As described above, Seki et al. does not disclose

icon portions, as recited in the amended independent claim 1. Consequently, Seki et al. does not disclose icon portions that are contiguous portions of the icon, as recited in the amended claim 3. Therefore, Applicants respectfully assert that the amended claim 3 is not anticipated by Seki et al., and should be allowed.

D. Patentability of Amended Dependent Claim 10 and 15

The amended dependent claims 10 and 15 both recite, "*wherein the selected (or common) characteristic of the data object metadata is variably assigned dependent on user preference.*" As described above, Seki et al. and Perroux et al. do not disclose using a characteristic of a data object metadata. Consequently, Seki et al. and Perroux et al. do not disclose a characteristic of a data object metadata that is variable assigned dependent on user preference, as recited in the amended dependent claims 10 and 15. Therefore, Applicants respectfully assert that the amended claims 10 and 15 are neither anticipated by Seki et al. nor obvious in view of Seki et al. and Perroux et al., and should be allowed.

E. Patentability of Amended Dependent Claim 11 and 16

The amended dependent claims 11 and 16 both recite, "*wherein the selected characteristic of the data object metadata is variably assigned automatically.*" As described above, Seki et al. and Perroux et al. do not disclose using a characteristic of a data object metadata. Consequently, Seki et al. and Perroux et al. do not disclose a characteristic of a data object metadata that is variable assigned automatically, as recited in the amended dependent claims 11 and 16. Therefore, Applicants respectfully assert that the amended claims 11 and 16 are neither anticipated by Seki et al. nor obvious in view of Seki et al. and Perroux et al., and should be allowed.

F. Patentability of Dependent Claim 2, 4-8, 12, 13 and 17-19

Each of the dependent claims 2, 4-8, 12, 13 and 17-19 depends on one of the amended independent claims 1, 9 and 14. As such, these dependent claims include all the limitations of their respective base claims. Therefore, Applicants submit that

these dependent claims are allowable for at least the same reasons as their respective base claims.

Applicants respectfully request reconsideration of the claims in view of the claim amendments and the remarks made herein. A notice of allowance is earnestly solicited.

Respectfully submitted,



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